

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

POST FOODS, LLC,)
)
Plaintiff,)
)
v.) Case No. 0:23-cv-00110-JWB-TNL
)
OK GO PARTNERSHIP, ET AL.,)
)
Defendants.)
)

**DEFENDANTS' MOTION TO DISMISS FOR
LACK OF PERSONAL JURISDICTION AND
FAILURE TO STATE A CLAIM**

Defendants OK Go Partnership; Daniel M. Konopka; Damian J. Kulash, Jr.; Timothy J. Norwind; and Andrew B. Ross (collectively, "Defendants") hereby move the United States District Court, District of Minnesota for an order dismissing the complaint (Dkt. No. 1) ("Complaint") against them because:

1. The Complaint does not establish a *prima facie* showing that the Court has personal jurisdiction over any Defendant, and therefore should be dismissed under Federal Rule of Procedure 12(b)(2).
2. The Complaint does not state a claim against the individual defendants Daniel M. Konopka; Damian J. Kulash, Jr.; Timothy J. Norwind; and Andrew B. Ross; and therefore should be dismissed under Rule 12(b)(6).

This Motion is supported by the enclosed Memorandum of Law in Support of Defendants' Motion to Dismiss For Lack of Personal Jurisdiction and Failure to State a Claim.

Dated: February 15, 2023

Respectfully submitted,

/s/ Tiffany A. Blofield

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